Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Message Text

CONFIDENTIAL

PAGE 01 JAKART 14997 260756Z

16
ACTION EA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03 SS-20 AID-20

IO-14 DRC-01 OMB-01 /113 W
---------- 090304
R 260415Z DEC 73
FM AMEMBASSY JAKARTA
TO SECSTATE WASHDC 0075
INFO AMEMBASSY KUALA LUMPUR
AMCONSUL MEDAN
AMCONSUL SURABAYA
CINCPAC HONOLULU HI
USIA WASHDC
AMEMBASSY BANGKOK
AMEMBASSY MANILA
AMEMBASSY SINGAPORE

C O N F I D E N T I A L JAKARTA 14997

CINCPAC FOR POLAD

EO 11652: GDS
TAGS: PINT ID
SUBJ: MARRIAGE BILL ENACTED

REF: A. JAKARTA 14349 (NOTAL) B. JAKARTA 14529

1. SUMMARY: AT THE URGING OF PRESIDENT SUHARTO AND THE MILITARY, PARLIAMENT HAS PASSED COMPROMISE MARRIAGE BILL INCORPORATING SUBSTANTIAL CONCESSIONS TO MOSLEMS WHO HAD BITTERLY OPPOSED ORIGINAL VERSION, THEREBY ENDING A POLITICAL DISPUTE WHICH WAS NEEDLESSLY ERODING NATIONAL UNITY. END SUMMARY

2. ON DEC 22 PARLIAMENT (DPR) APPROVED MARRIAGE BILL GREATLY MODIFIED TO MEET ISLAMIC OBJECTIONS. FOLLOWING ARE MAJOR CHANGES INCORPORATED IN NEW LAW:
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 JAKART 14997 260756Z

A) IN ORIGINAL VERSION LEGALITY OF MARRIAGE AS

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

DEFINED IN OPENING PARAGRAPH DEPENDENT ON WHETHER IT
MET CONDITIONS OF NEW CIVIL LAW APPLICABLE TO ALL
INDONESIANS. IN APPROVED VERSION, MARRIAGE LEGAL
(1) IF EXECUTED ACCORDING TO LAW OF RELIGION OR
FAITH (KEPERCAYAN) OF PARTIES INVOLVED, AND (2) IF
REGISTERED ACCORDING TO CIVIL LAW AND IMPLEMENTING
REGULATIONS (LATTER NOT YET ISSUED). FOR MOSLEMS,
MARRIAGE TO BE REGULATED BY "RELIGIOUS LAW AS MODIFIED BY

LOCAL CUSTOM (HUKUM ADAT);" FOR OTHER GROUPS
(CHRISTIANS, ETC) RESPECTIVE DUTCH-ERA ORDINANCES
AND/OR CUSTOMARY LAW (ADAT) REMAIN IN FORCE.

B) SIX SECTIONS WHICH MOSLEMS CLAIMED IN CONFLICT
WITH ISLAMIC LAW HAVE BEEN DROPPED(EG, PROVISION
THAT DIFFERENCE OF FAITH NO BAR TO MARRIAGE. ALSO
LEGAL AGE LIMIT LOWERED TWO YEARS, FROM 21(MEN) AND
18(WOMEN) TO 19 AND 16 RESPECTIVELY.

C) OLD BILL MADE VIRTUALLY NO MENTION OF ISLAMIC
COURT SYSTEM (WHICH MOSLEMS FEARED WOULD BE DEPRIVED
OF ITS MAIN FUNCTION, NEW LAW LEAVES ISLAMIC
MARRIAGE (AND DIVORCE) IN HANDS OF ISLAMIC COURTS
BUT SAYS DECISIONS MUST BE CONFIRMED (DIKUKUHKAN)
BY CIVIL COURTS.

D) LAW NEVERTHELESS RETAINS MANY FEATURES WHICH HARDLY
IN ACCORD
WITH CURRENT ISLAMIC PRACTICE, EG, DE FACTO
MONOGAMY(EXCEPTION REQUIRES FIRST WIFE TO BE BOTH
PHYSICALLY INCAPACITATED AND AGREEABLE TO ADDITIONAL
WIFE) AND RESPONSIBILITY OF MALE FOR MAINTENANCE OF
CHILDREN BY DIVORCED WIFE.
LAW PASSED JUST BEFORE END-OF-SESSION DEADLINE SET
BY GOVERNMENT WITH ONLY 369 OUR OF 460 MEMBERS OF
PARLIAMENT PRESENT. ALTHOUGH ARRANGEMENTS MADE
FOR DISSENTING MEMBERS TO REGISTER NON-CONCURRENCE
WITH "CONSENSUS" NONE DID SO.

3. AS NOTED REFTEL, CHRISTIANS DEEPLY DISTURBED BY
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 JAKART 14997 260756Z

GOVERNMENT WILLINGNESS TO ABANDON PRINCIPLE OF UNITARY
LAW AND EVEN MORE UPSET BY APPARENT STATE ENDORSEMENT
OF ISLAMIC LAW--AN ENDORSEMENT WHICH UP TO NOW
LONG AND SUCCESSFUL RESISTED BY OPPONENTS OF
"ISLAMIC STATE" CONCEPT. BOTH CATHOLIC BISHOPS'
COUNCIL AND INDONESIAN COUNCIL OF CHURCHES (PROTESTANT)
HAVE REGISTED OBJECTION TO LAW. LEADING CATHOLIC-2
ORIENTED DAILY KOMPAS(WHICH IS FAMOUS FOR DETACHED,

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

LEVEL-HEADED OPINIONS) COMPLETELY LOST ITS COOL IN
DEC 22 EDITORIAL EXPRESSING FEAR THAT NOMINAL MOSLEMS
WOULD BE "FORCED TO ADHERE TO A CERTAIN RELIGION AND
FAITH" AND LAMBASTING INEFFECTIVENESS OF PARLIAMENT
FOR ALLOWING GOVERNMENT TO ENGINEER NEW BILL. MOSLEMS
FOR THEIR PART ARE NOW IN TOTALLY UNACCUSTOMED
PRO-GOVERNMENT POSTURE,
WITH THEIR LEADING DAILY
ABADI ASSURING READERS THAT NEW LAW IS FUNDAMENTALLY
DIFFERENT FROM OLD VERSION. PRESS CONTINUES TO
REPORT THAT MANY GOLKAR MEMBERS DEEPLY UPSET BY
GOVERNMENT RETREAT, AND FEMALE SPOKESWOMEN ARE
ALREADY COMPLAINING THAT THE NEW LAW DOES NOT
COMPLETELY FULFLL DISTANT ASPIRATIONS.

4. GOLKAR CATHOLIC MEMBER OF PARLIAMENT (COSXGS(#)
BATUBARA) TOLD EMBOFF THE NEW BILL RESULT OF

COMPROMISE DEMANDED BY PRESIDENT SUHARTO HIMSELF
AFTER DEPTH OF ISLAMIC OPPOSITION TO ORIGINAL VERSION
BECAME APPARENT. (ACCORDING BATUBARA GENERAL SUMITRO
PRESIDED OVER KEY WORKING SESSIONS BEFORE RITUAL
PASSAGE BY WHOLE DPR.) OBSERVING THAT NO ONE WOULD
BE COMPLETELY SATISFIED WITH FINAL COMPROMISE, BATUBARA
SAID SOME OF MORE LIBERAL FEATURES OF ORIGINAL BILL
WHICH HAVE BEEN DROPPED FROM NEW VERSION WOULD BE
QUIETLY INCORPORATED IN IMPLEMENTING REGULATIONS (WHICH
PRESIDENT SUHARTO HAS URGED SHOULD BE ISSUED AS SOON
AS POSSIBLE). FOR EXAMPLE, HE SAID, IT WILL STILL BE
POSSIBLE FOR MOSLEMS TO MARRY NON-MOSLEMS ALTHOUGH
NOT EXPLICITLY PERMITTED BY THE NEW LAW.

5. COMMENT: IT CAN ONLY BE CONCLUDED THAT HAVING
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 JAKART 14997 260756Z

NEEDLESSLY CREATED THE MARRIAGE BILL PROBLEM IN THE
FIRST PLACE, GOI HAS PROCEEDED TO SOLVE IT BY JUDICIOUS
(EVEN STATESMANLIKE) RETREAT. CYNICS WHO DELIGHT IN
JAVANESE EXPLANATIONS ARE ALREADY SUGGESTING THAT THE
WHOLE EXERCISE WAS A CLEVER PLOY TO DIVERT MOSLEM
DISSIDENTS FROM MORE FUNDAMENTAL PROBLEMS(EG,
OPPOSITION TO MILITARY RULE), ON THE THEORY THAT THEY
WOULD FEEL DELIRIOUSLY GRATEFUL WHEN THE CONTRIVED
TORTURE STOPPED. A MORE LIKELY EXPLANATION IS THAT
THE MARRIAGE BILL WAS COOKED UP BY MILITANT ANTI-
MOSLEMS WHO PREDOMINATE IN THE GOLKAR CAMP(AIDED
BY FEMINISTS) AND NEVER REALLY SCRUTINIZED BY

PRESIDENT OR TOP MILITARY LEADERSHIP UNTIL ISLAMIC
OPPOSITION BEGAN TO LOOK LIKE POSING A MAJOR INTERNAL

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

SECURITY PROBLEM JUST AT A TIME WHEN STUDENTS ARE ALSO BEGINNING TO STIR AGAIN. AS THINGS STAND, THE GOVERNMENT HAS ITS MARRIAGE BILL(ON TIME); ISLAMIC FACES HAVE NOT BEEN RUBBED IN THE DIRT (FOR A CHANGE), AND ALTHOUGH THE WOMEN DON'T HAVE EVERYTHING THEY WANTED, THEY HAVE TAKEN ONE BIG STEP FORWARD. GALBRAITH

NOTE BY OC/T: AS RECEIVED.

CONFIDENTIAL

NNN

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, MOSLEMS, MARRIAGES, CENTRAL LEGISLATURE
Control Number: n/a
Copy: SINGLE
Draft Date: 26 DEC 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973JAKART14997
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: n/a
From: JAKARTA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t1973127/aaaaaeze.tel
Line Count: 177
Locator: TEXT ON-LINE
Office: ACTION EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: A. JAKARTA 14349 (NOTAL) B. JAKARTA, 14529
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 23 NOV 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23-Nov-2001 by shawdg>; APPROVED <07 MAR 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: MARRIAGE BILL ENACTED
TAGS: PINT, ID
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005